

**REMARKS*****Claim Rejections - 35 USC § 102 and 103***

Applicant's independent claim 1 is amended to specify that the photographic images are saved based on detecting an actual discharge of live ammunition from the firearm toward the target, "in combination with stored data from a user of said method specifying timing relative to discharge, of photographic images which are to be saved."

Independent claim 9 is amended to specify "a timing control computer for receiving a firing signal from said discharge detecting means indicating that said actual discharge has occurred" as well as the saving of images "responsive to said timing control computer, based on said firing signal, in combination with stored data from a user of said apparatus specifying timing relative to discharge, of photographic images which are to be saved."

All three of the references cited under 35 U.S.C. 102 (b) pertain to taking a photograph immediately as the firearm is discharged. Applicant's invention, as clearly disclosed, and as recited in the claims as amended, enables the user of the apparatus to choose precisely in relation to the time of firing, which photographs are to be saved. This means, for example, as is clearly disclosed by applicant, that that the user can specify that a photograph be taken at the moment of *impact* of the ammunition with the target. None of the three patent cited under 35 U.S.C. 102 (b) discloses or suggests doing this. None discloses or suggests *how* to do this. And, the measures needed to achieve this

capability are not at all obvious from any of these three patents alone or in combination with all the prior art of record including the additional patents cited in combination under 35 U.S.C. 103(a).

Thrasher, column 1, lines 4-7, states: "The *primary* object of the invention is . . . taking a picture, *when the firearm is discharged*, of the object fired at." To reinforce that this is limited to taking a picture only at the moment of discharge and that nothing beyond this is envisioned, it is stated in column 1, lines 11-14, that this invention "operates automatically upon discharge of the firearm with the result that the picture taken by the camera will reveal the *aiming errors and faults of the firearm user*."

Sonne, column 1, lines 3-10, makes clear this same limitation in capability, stating that the camera is "affixed to a gun to photographically record its *aim at the moment of discharge*. . . . Such a device, while useful in the development of good marksmanship, will find its greatest advantage in connection with military training. Again, it is clear that being able to specify the precise timing of photograph to be saved in relation to the time of discharge is not at all envisioned.

Ryan, similarly is "an apparatus for shooting a camera at the *precise moment that an arrow is shot from a bow*," see column 1m lines 41-43.

It is clear that none of these patents can record a photograph at the moment of impact with the target, or in general, based on "stored data from a user . . . specifying timing relative to discharge, of photographic images which are to be saved." All are

slavishly tied to record their images at the exact moment of firing, and there is nothing which discloses or suggests a) taking pictures at any time other than the precise time of firing or b) how one might take pictures at any time other than the precise time of firing.

**CONCLUSION**

As a consequence of the foregoing, having overcome all grounds of rejection, applicant looks forward to receiving a notice of allowance in the near future.

Respectfully submitted,



Jay R. Yablon, Registration # 30604  
910 Northumberland Drive  
Schenectady, New York 12309-2814  
Telephone / Fax: (518)377-6737  
Email: [jyablon@nycap.rr.com](mailto:jyablon@nycap.rr.com)